

Message Text

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R 281700Z MAR 75

FM AMEMBASSY BERLIN

TO SECSTATE WASHDC 606

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY VIENNA

USMISSION NATO

USMISSION USBERLIN UNN

C O N F I D E N T I A L BERLIN 5462

E. O. 11652: GDS

TAGS: PGOV, PFOR, GE, AU, CGEN

SUBJECT: GDR-AUSTRIAN CONSULAR AGREEMENT SIGNED

1. BEGIN UNCLASSIFIED - NEUS DEUTSCHLAND (ND) ON MARCH 27 ANNOUNCED SIGNING IN EAST BERLIN ON MARCH 26 OF GDR-AUSTRIAN CONSULAR AGREEMENT. SIGNATORIES WERE FOREIGN MINISTER OSKAR FISCHER FOR GDR AND AMBASSADOR TO THE GDR FRIEDRICH BAUER FOR AUSTRIA. ND REPORTED FISCHER STATEMENT AT SIGNING CEREMONY TO EFFECT THAT CONSULAR AGREEMENT WAS A "REALISTIC" DOCUMENT CONTAINING AS IT DID A DEFINITION OF NATIONALITY ("STAATSBUERGERSCHAFT") IN CONFORMITY WITH THE PRINCIPLE OF NATIONAL SOVEREIGNTY. ND ARTICLE ALSO STATED THAT BOTH SIDES ANTICIPATED FURTHER BILATERAL DISCUSSIONS CONCERNING CONSULAR AND CITIZENSHIP MATTERS AT A MUTUALLY CONVENIENT TIME IN THE FUTURE AND THAT RATIFICATION WAS NECESSARY BEFORE AGREEMENT ENTERED INTO FORCE.

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2. ACCOMPANYING ND COMMENTARY CONCENTRATED ON: A) THE

POLITICAL SIGNIFICANCE WHICH THE SIGNING OF THIS AGREEMENT HAS FOR GDR-AUSTRIAN RELATIONS; B) THE CONSISTENCY OF THE AGREEMENT WITH INTERNATIONAL LAW, ESPECIALLY THE PRINCIPLE OF SOVEREIGN EQUALITY AMONG STATES; AND C) THE INCLUSION IN THE TREATY OF SPECIFIC PROVISION FOR REGULATING THE CONSULAR REPRESENTATION OF DUAL NATIONALS. COMMENTARY CONCLUDED THAT THIS AGREEMENT (ALONG WITH THE CONCLUSION OF OTHER AGREEMENTS WITH WESTERN COUNTRIES WHICH ARE STILL UNDER NEGOTIATION) REPRESENTED ANOTHER EVIDENCE OF THE ACCEPTABILITY OF THE GDR IN INTERNATIONAL LIFE AND IS PRIZED AS SUCH.

END UNCLASSIFIED

3. COMMENT: IN A CONVERSATION WITH AMBASSADOR COOPER ON MARCH 28, AMBASSADOR BAUER SAID THAT THE AUSTRIAN PARLIAMENT COULD RATIFY THE CONSULAR AGREEMENT AS EARLY AS THIS SUMMER. AS PART OF THE RATIFICATION PROCESS, BAUER SPECULATED THAT SEVERAL AUSTRIAN LEGISLATORS WOULD RAISE QUESTIONS IN THE AUSTRIAN PARLIAMENT (POSSIBLY PLANTED BY BAUER HIMSELF), SPECIFICALLY AS CONCERNS TREATMENT OF DUAL GDR-AUSTRIAN NATIONALS RESIDENT IN THE GDR AND HANDLING BY THE GDR OF OUTSTANDING HUMANITARIAN CASES.

BAUER ANTICIPATED THAT DIFFICULT NEGOTIATIONS ON THESE MATTERS WOULD OCCUR IN VIENNA IN THE NEAR FUTURE AND THAT THE UNDERSTANDINGS EVENTUALLY REACHED WOULD BE EMBODIED IN A DOCUMENT(S) SUPPLEMENTARY TO THE AGREEMENT WHICH HAD JUST BEEN SIGNED. BAUER IMPLIED THAT A RESOLUTION OF THE DUAL NATIONALITY AND HUMANITARIAN MATTERS SATISFACTORY TO THE GOA WOULD BE A PRECONDITION FOR RATIFICATION AS WELL AS THE PRICE THE AUSTRIANS WILL EXTRACT FROM THE GDR FOR ACCEDING TO THEIR DESIRE FOR A DEFINITION OF NATIONALITY IN THE AGREEMENT.COOPER

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